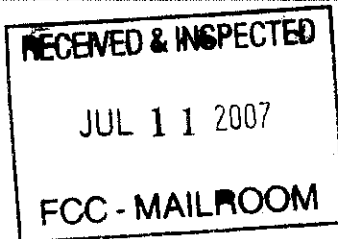




Vantage Point

Advanced Communications Technology, Inc.



July 9, 2007

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No. 96-45

RE: Advanced Communications Technology, Inc (SAC 519004) – Form 525 Filing Appeal

Dear Secretary:

I am writing in regards to the letter I sent to you dated June 5, 2006 requesting the acceptance of Advanced Communications Technology, Inc. (ACT) Form 525.

We had previously been told by USAC staff that we would not receive a written decision from USAC. However, we did receive a letter from USAC indicating that USAC does not have the authority to waive FCC deadlines. I have included a copy of the letter for your records in this matter.

Please direct any questions you may have to:

Doug Eidahl
Vice-President of Consulting
Vantage Point Solutions
1801 North Main
Mitchell, SD 57301
(605) 995-1763
Fax: 605-995-1750
Doug.Eidahl@vantagepnt.com

Thank you for your assistance in this matter and we look forward to hearing from you.

Sincerely,

Michelle Christensen
Revenue Consultant
Vantage Point Solutions
Michelle.Christensen@vantagepnt.com

Enclosure

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Universal Service Administrative Company

*Decision of the Administrator on High Cost Support Mechanism
Beneficiary Appeal*

June 22, 2007

Ms. Michelle Christensen
Telco Revenue Consultant
Vantage Point Solutions
1801 North Main
Mitchell, SD 57301

Re: Decision on Appeal of Advanced Communications Technology, Inc.

Dear Ms. Christensen:

The Universal Service Administrative Company (USAC) has completed its review of the letter of appeal filed by Advanced Communications Technology, Inc. (ACT) on January 6, 2006. Your appeal requests that USAC accept and process a late-filed FCC Form 525 (Form 525) filing so that ACT may receive Interstate Access Support (IAS) and High Cost Model (HCM) support based on the line counts due December 30, 2005.

Regulatory Framework

In order for a competitive eligible telecommunications carrier (CETC) to receive IAS and HCM support, a CETC must timely file line count data on a quarterly basis.¹ FCC rules establish explicit schedules for the submission of both IAS and HCM line counts. IAS rules state that:

“[e]ach Eligible Telecommunications Carrier that is providing service...shall submit to the Administrator, on a quarterly basis on the last business day of March, June, September, and December of each year line count data showing the number of lines it serves for the period ending three months prior to the reporting date...”²

For HCM, CETC's line counts must be submitted consistent with the established schedule in alternate FCC rules.³

¹ See 47 C.F.R. § 54.307(c) and 47 C.F.R. § 54.802(a).

² 47 C.F.R. § 54.802(a).

³ 47 C.F.R. § 54.307(c).

Discussion

ACT is eligible for HCM and IAS support for its study area code (SAC) 519004 based on its designated area and its certifications.⁴ To receive IAS and HCM support, ACT is required to make timely quarterly HCM and IAS line count filings on Form 525. For the Form 525 filing under appeal, lines were due December 30, 2005.⁵ In a letter dated January 6, 2006, ACT staff informed USAC that its Form 525, thought to be sent prior to the deadline, "did not go."⁶ On January 3, 2006, the Form 525 was immediately resent by ACT and received by USAC. Thus, the Form 525 line count filing for IAS and HCM due December 30, 2005, and used to calculate IAS payments for the first quarter of 2006 and HCM for the second quarter of 2006 was considered late-filed. The late filed Form 525 resulted in no IAS for the first quarter of 2006 and no HCM support for the second quarter 2006.

Consistent with FCC rules, CETCs must timely file IAS and HCM line counts on Form 525.⁷ USAC did not receive timely filed ACT line counts on or before December 30, 2005, and no disbursements were calculated for the filing period. FCC regulations contain clear deadlines for the submission of CETC line count data.⁸ USAC, as the neutral third party administrator, is not authorized to waive FCC established deadlines. As such, USAC does not accept any late-filed line count data. In this instance, ACT does not dispute the fact that Form 525 was filed late. USAC's treatment of ACT's Form 525 filing, therefore, is consistent with FCC rules, and USAC is precluded from accepting the line counts as timely filed.

Decision on Appeal: USAC hereby denies the Appeal of ACT.

If you wish to further appeal this decision, you may file an appeal with the FCC. Detailed instructions for filing appeals are available at <http://www.usac.org/hc/about/filing-appeals.aspx>.

Sincerely,

USAC
Universal Service Administrative Company

⁴ See 47 C.F.R. § 54.313 and 47 C.F.R. § 54.809.

⁵ See 47 C.F.R. § 54.307(c)(3).

⁶ See Vantage Communications Technology, Inc. letter dated January 6, 2006 at ¶ 2.

⁷ See 47 C.F.R. § 54.307(c) and 47 C.F.R. § 54.802(a).

⁸ *Id.*